

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MUSAIB ISMAILOVYCH ISMAILOV and
AKHMED HADZHYIOVYCH BILALOV,

Plaintiffs,

v.

MYKHAILO SAFARBEKOVYCH
HUTSERIEV, STANISLAV
KOSTIANTYNOVYCH KUZNETSOV, and
PUBLIC JOINT STOCK COMPANY
“SBERBANK OF RUSSIA”,
Defendants.

Case No. 1:24-cv-03287-AT

**REPLY DECLARATION OF
MICHAEL VAN RIPER
IN SUPPORT OF CONSOLIDATED
MOTIONS TO DISMISS BY
SBERNANK DEFENDANTS, MOTION
FOR SANCTIONS BY SBERBANK
DEFENDANTS, AND MOTION TO
DISMISS BY DEFENDANT
HUTSERIEV**

Pursuant to 28 U.S.C. § 1746, Michael Van Riper hereby declares under penalty of perjury as follows:

1. I am a member of the bar of this Court and an associate with the law firm of Wilk Auslander LLP.

2. I make this reply declaration in further support of: (i) the motions to dismiss by defendants Public Joint Stock Company Sberbank of Russia (“Sberbank”) and Stanislav Kostiantynovych Kuznetsov (collectively, the “Sberbank Defendants”) for lack of subject matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1), lack of personal jurisdiction under Rule 12(b)(2), improper venue under Rule 12(b)(3), insufficient service of process under Rule 12(b)(5), failure to state a claim under Rule 12(b)(6), and under Rule 12(b)(7) for failure to join a required party under Rule 19 (ECF No. 50); (ii) the Sberbank Defendants’ motion for sanctions under Rule 11(c)(1) (ECF No. 68); and (iii) the motion to dismiss by defendant Mykhailo

Safarbekovych Hutseriev under Rules 12(b)(1), 12(b)(2), 12(b)(3), 12(b)(5), and 12(b)(6) (ECF No. 77) (collectively, “Defendants’ motions”).

Declaration and Reservation to the Hague Convention by the Russian Federation

3. Page 38 of the Sberbank Defendants’ opening memorandum in support of their motions to dismiss (ECF No. 52) included the following URL link to the website of the Conférence de La Haye de Droit International Privé / Hague Conference on Private International Law, which hosts an official English translation of the Declaration and Reservation to the Hague Service Convention by the Russian Federation:

<https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=418&disp=resdn>

4. That link was and remains correct as of December 23, 2024, but is broken and not accessible through the PDF version of the Sberbank Defendants’ supporting memorandum of law filed on PACER.

5. A true and correct PDF copy of the English translation of the Declaration and Reservation to the Hague Convention by the Russian Federation hosted at that URL by the Conférence de La Haye de Droit International Privé / Hague Conference on Private International Law, as accessed and printed by the undersigned on December 23, 2024, is attached hereto as Exhibit 1.

6. In any event, the Declaration of Oleksandra Vytiaganets (ECF No. 89), submitted by Plaintiffs in opposition to Defendants’ motions attaches that same document as Exhibit 33 (ECF No. 89-33).

Bilalov’s New and Undisclosed Ukrainian Judgment

7. A true and correct copy of the judgment of the Skvirsky District Court of Kiev Region, dated October 4, 2024, in Case No. 376/1329/24, together with English translation, is attached hereto as Exhibit 2, with PDF pagination added by counsel.

8. A true and correct copy of an email, dated December 16, 2024, attaching a copy of a purported order of the Skvyra District Court of Kyiv Region, dated November 22, 2024, in Case No. 376/1329/24, together with English translation, is attached hereto as Exhibit 3, with PDF pagination added by counsel.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 24, 2024, Rutherford, New Jersey.

/s/Michael Van Riper
Michael Van Riper